

# HOUSE BILL 520

R2, P2

11r0317  
CF SB 479

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By: Delegates Rosenberg, Mizeur, Arora, Barve, Cardin, Cullison, DeBoy, Donoghue, Feldman, Frank, Hubbard, Hucker, Kach, A. Kelly, Kipke, Kramer, Lafferty, Lee, McDonough, Mitchell, Morhaim, Murphy, Oaks, Pena-Melnyk, Ready, Reznik, Ross, Stein, Tarrant, V. Turner, Vaughn, and Zucker

Introduced and read first time: February 7, 2011  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Transportation – Procurement for MARC Train Service – Disclosure**  
3 **~~Requirements Regarding Involvement in Deportations~~**

4 FOR the purpose of ~~requiring certain entities that submit a bid or proposal to the~~  
5 ~~Maryland Department of Transportation or certain other units of the State or~~  
6 ~~local government to provide certain MARC train service to submit a certain~~  
7 ~~statement concerning certain deportation activity in which the entity may have~~  
8 ~~engaged; requiring an entity to include certain information in the statement;~~  
9 ~~requiring the Department of Transportation or certain other units of the State~~  
10 ~~or local government to consider certain information provided by certain entities~~  
11 ~~seeking to provide certain MARC train service; defining certain terms; and~~  
12 ~~generally relating to the disclosure of certain information by entities that~~  
13 ~~submit bids or proposals on procurement contracts to provide certain MARC~~  
14 ~~train service.~~ prohibiting certain entities from being considered a responsible  
15 bidder or offeror for certain contracts to provide Maryland Area Commuter Rail  
16 (MARC) service unless the entities comply with certain requirements; requiring  
17 that, in conjunction with the submission of certain bids or offers, certain entities  
18 provide certain units with a certain statement and estimated date for  
19 completing a certain process of assembling records; requiring certain entities to  
20 notify certain units of changes to a certain estimated date; requiring certain  
21 entities to comply with certain requirements for a certain process of assembling

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 records; requiring certain entities to contract with certain archivists and  
 2 historians to conduct a certain initial analysis and ensure that a certain process  
 3 of assembling records is conducted in a certain manner; establishing  
 4 requirements for a certain initial analysis; requiring certain entities to submit  
 5 certain information to the State Archivist after a certain process of assembling  
 6 records is completed; requiring the State Archivist to approve certain archivists,  
 7 historians, and initial reports; requiring the State Archivist to provide certain  
 8 guidance and oversight; requiring the State Archivist to make certain  
 9 determinations and provide certain written notice of the determination to  
 10 certain units; authorizing the State Archivist to use a designee to carry out  
 11 certain provisions; requiring certain units to provide notice of intent to award  
 12 certain contracts within a certain period of time; prohibiting certain units from  
 13 awarding certain contracts to certain entities that do not comply with certain  
 14 provisions; authorizing certain units to award certain entities after receiving  
 15 certain notice; providing that certain prohibitions do not apply if a contract is  
 16 awarded to certain bidders or offerors; authorizing certain entities to award  
 17 certain contracts to certain entities after receiving certain notice; providing  
 18 that, notwithstanding certain requirements, certain units may award certain  
 19 contracts to certain bidders or offerors; prohibiting certain entities, bidders, or  
 20 offerors from submitting certain protests; requiring that certain entities that  
 21 submit certain bids or proposals to the Maryland Transit Administration  
 22 comply with certain requirements; providing for the application of this Act;  
 23 defining certain terms; and generally relating to procurement for MARC service  
 24 and requirements for assembling records and disclosing information related to  
 25 the deportation of victims.

26 BY adding to  
 27 Article – State Finance and Procurement  
 28 Section 12–501 through ~~12–504~~ 12–511 to be under the new subtitle “Subtitle 5.  
 29 Disclosure Requirements Regarding Involvement in Deportations”  
 30 Annotated Code of Maryland  
 31 (2009 Replacement Volume and 2010 Supplement)

32 BY adding to  
 33 Article – Transportation  
 34 Section 7–508  
 35 Annotated Code of Maryland  
 36 (2008 Replacement Volume and 2010 Supplement)

37 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 38 MARYLAND, That the Laws of Maryland read as follows:

39 **Article – State Finance and Procurement**

40 **SUBTITLE 5. DISCLOSURE REQUIREMENTS REGARDING INVOLVEMENT IN**  
 41 **DEPORTATIONS.**

1 12-501.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 ~~(B) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF~~  
5 ~~TRANSPORTATION.~~

6 ~~(C)~~ (B) "DIRECT INVOLVEMENT IN THE DEPORTATION OF VICTIMS"  
7 MEANS OWNERSHIP OR OPERATION OF THE TRAINS ON WHICH INDIVIDUALS  
8 WERE ~~DEPORTED~~ TRANSPORTED TO EXTERMINATION CAMPS, DEATH CAMPS, OR  
9 ANY FACILITY USED TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS  
10 OR DEATH CAMPS, DURING THE PERIOD BEGINNING ON ~~JANUARY 1, 1942~~  
11 SEPTEMBER 1, 1939, AND ENDING ON ~~DECEMBER 31, 1944~~ SEPTEMBER 2, 1945.

12 ~~(D)~~ (C) "ENTITY" MEANS:

13 (1) A CORPORATION, AFFILIATE, OR OTHER SIMILAR  
14 ORGANIZATION OR A SUCCESSOR IN INTEREST OF THE CORPORATION,  
15 AFFILIATE, OR SIMILAR ORGANIZATION THAT CONTROLS, OR IS CONTROLLED  
16 OR OWNED OR PARTIALLY OWNED BY OR UNDER COMMON CONTROL WITH, A  
17 CORPORATION THAT ~~HAS~~ HAD DIRECT INVOLVEMENT IN THE DEPORTATION OF  
18 VICTIMS; OR

19 (2) A MEMBER OF A PARTNERSHIP OR A CONSORTIUM THAT  
20 INCLUDES AN ENTITY THAT CERTIFIES THAT IT ~~HAS~~ HAD DIRECT INVOLVEMENT  
21 IN THE DEPORTATION OF VICTIMS.

22 (D) "MARC" MEANS THE MARYLAND AREA RAIL COMMUTER.

23 (E) (1) "PROPERTY" MEANS ANY PERSONAL BELONGINGS OWNED OR  
24 CONTROLLED BY VICTIMS ~~OF THE DEPORTATIONS TO EXTERMINATION CAMPS,~~  
25 ~~DEATH CAMPS, OR FACILITIES USED TO TRANSITION INDIVIDUALS TO~~  
26 ~~EXTERMINATION CAMPS OR DEATH CAMPS, DURING THE PERIOD BEGINNING ON~~  
27 ~~JANUARY 1, 1942, AND ENDING ON DECEMBER 31, 1944.~~

28 (2) "PROPERTY" INCLUDES:

29 (I) JEWELRY;

30 (II) BOOKS;

31 (III) ARTIFACTS;

1 (IV) PRECIOUS METALS; AND

2 (V) CURRENCY.

3 (F) “PROCESS OF ASSEMBLING THE RECORDS” MEANS TO:

4 (1) ORGANIZE, DIGITIZE, AND MAKE RECORDS AVAILABLE TO THE  
5 PUBLIC IN AN INTERNET ACCESSIBLE, ELECTRONIC FORMAT THAT IS  
6 SEARCHABLE AND ANALYZABLE; AND

7 (2) PREPARE TO SUBMIT THE INFORMATION DESCRIBED IN §  
8 12-507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.

9 ~~(F)~~ (G) (1) “RECORDS” MEANS MATERIAL RELATING TO THE  
10 DEPORTATION OF VICTIMS.

11 (2) “RECORDS” INCLUDES:

12 ~~(1)~~ (I) DOCUMENTS;

13 ~~(2)~~ (II) CORRESPONDENCE;

14 ~~(3)~~ (III) MEMORANDA;

15 ~~(4)~~ (IV) RECEIPTS;

16 ~~(5)~~ (V) INVOICES;

17 ~~(6)~~ (VI) PRESENTATIONS;

18 ~~(7)~~ (VII) AUDITS; AND

19 ~~(8)~~ (VIII) ANY OTHER MATERIALS RELATED TO ITEMS (1)  
20 THROUGH (7) OF THIS SUBSECTION.

21 (H) “VICTIM” MEANS AN INDIVIDUAL WHO WAS ON AN ENTITY’S TRAIN  
22 FOR THE PURPOSE OF BEING TRANSPORTED TO AN EXTERMINATION CAMP,  
23 DEATH CAMP, OR A FACILITY USED TO TRANSITION INDIVIDUALS TO  
24 EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON  
25 SEPTEMBER 1, 1939 AND ENDING ON SEPTEMBER 2, 1945.

26 12-502.

27 FOR THE PURPOSES OF THIS SUBTITLE:

1           (1) TWO OR MORE ENTITIES SHALL BE CONSIDERED AS THE SAME  
2 ENTITY IF:

3           (I) ONE ENTITY IS A WHOLLY OWNED SUBSIDIARY OF THE  
4 OTHER; OR

5           (II) ONE ENTITY OWNS OR DIRECTLY OR INDIRECTLY  
6 CONTROLS MORE THAN 50% OF THE VOTING SECURITIES OF THE OTHER  
7 ENTITY, REGARDLESS OF WHETHER THE EQUITY INTEREST IN THAT OTHER  
8 ENTITY IS OWNED BY A FOREIGN GOVERNMENT; AND

9           (2) IF AN EQUITY INTEREST IN AN ENTITY IS OR WAS OWNED BY A  
10 FOREIGN GOVERNMENT, THAT EQUITY INTEREST SHALL BE ATTRIBUTED TO  
11 THE ENTITY.

12 **12-503.**

13           THIS SUBTITLE APPLIES TO AN ENTITY THAT:

14           (1) ~~HAS HAD~~ DIRECT INVOLVEMENT IN THE DEPORTATION OF  
15 VICTIMS; AND

16           (2) SUBMITS A BID OR OFFER TO A UNIT OF STATE OR LOCAL  
17 GOVERNMENT ON A PROCUREMENT CONTRACT ~~WITH THE DEPARTMENT OR~~  
18 ~~WITH ANY OTHER UNIT OF THE STATE OR LOCAL GOVERNMENT~~ TO PROVIDE  
19 MARC ~~TRAIN~~ SERVICE THAT IS FUNDED IN WHOLE OR IN PART WITH PUBLIC  
20 FUNDS.

21 **12-504.**

22           AN ENTITY MAY NOT BE CONSIDERED A RESPONSIBLE BIDDER OR  
23 OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE  
24 UNLESS THE ENTITY COMPLIES WITH THE REQUIREMENTS OF §§ 12-505  
25 THROUGH 12-507 OF THIS SUBTITLE.

26 ~~**12-504.**~~ **12-505.**

27           (A) ~~BEFORE SUBMITTING~~ IN CONJUNCTION WITH THE SUBMISSION OF A  
28 ~~FORMAL BID OR OFFER~~ ON A PROCUREMENT CONTRACT TO ~~THE DEPARTMENT~~  
29 ~~OR OTHER UNIT OF THE~~ A UNIT OF STATE OR LOCAL GOVERNMENT TO PROVIDE  
30 MARC ~~TRAIN~~ SERVICE, AN ENTITY SHALL SUBMIT TO THE UNIT:

1           (1) ~~CERTIFY TO THE DEPARTMENT OR UNIT WHETHER A~~  
2 STATEMENT THAT THE ENTITY HAS HAD DIRECT INVOLVEMENT IN THE  
3 DEPORTATION OF VICTIMS; AND

4           (2) ~~DISCLOSE TO THE DEPARTMENT OR OTHER UNIT THE~~  
5 INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION AN ESTIMATED  
6 DATE FOR COMPLETING THE PROCESS OF ASSEMBLING THE RECORDS AND  
7 PROVIDING INFORMATION TO THE STATE ARCHIVIST IN ACCORDANCE WITH §§  
8 12-506 AND 12-507 OF THIS SUBTITLE.

9           (B) THE ENTITY SHALL NOTIFY THE UNIT OF ANY CHANGE IN THE  
10 ESTIMATED DATE THAT WAS SUBMITTED TO THE UNIT IN ACCORDANCE WITH  
11 SUBSECTION (A) OF THIS SECTION.

12 12-506.

13           (A) BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A  
14 PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY  
15 SUBJECT TO THIS SUBTITLE, THE ENTITY SHALL COMPLY WITH THE PROVISIONS  
16 OF THIS SECTION FOR THE PROCESS OF ASSEMBLING THE RECORDS RELATED  
17 TO THE DEPORTATION OF VICTIMS.

18           (B) (1) AN ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A  
19 HISTORIAN TO CONDUCT AN INITIAL ANALYSIS OF THE RECORDS.

20           (2) THE ARCHIVIST AND HISTORIAN THAT CONDUCT THE INITIAL  
21 ANALYSIS SHALL:

22                   (I) BE APPROVED BY THE STATE ARCHIVIST;

23                   (II) BE INDEPENDENT OF THE ENTITY; AND

24                   (III) CONDUCT THE ANALYSIS IN ACCORDANCE WITH THE  
25 STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF  
26 STATE ARCHIVISTS.

27           (3) THE INITIAL ANALYSIS SHALL INCLUDE:

28                   (I) AN INSPECTION OF EACH LOCATION IN WHICH THE  
29 ENTITY MAINTAINS RECORDS THAT MAY BE RELATED TO THE DEPORTATION OF  
30 VICTIMS; AND

31                   (II) A REPORT SUBMITTED TO THE STATE ARCHIVIST.

1           **(4) THE INITIAL REPORT SUBMITTED TO THE STATE ARCHIVIST**  
2 **SHALL INCLUDE:**

3           **(I) A LIST OF EACH LOCATION INSPECTED AND AN**  
4 **ASSESSMENT OF WHETHER THE LOCATION MAINTAINS ANY RECORDS;**

5           **(II) AN OUTLINE AND ASSESSMENT OF THE QUALITY OF THE**  
6 **RECORDS;**

7           **(III) A TIMELINE FOR THE PROCESS TO ASSEMBLE THE**  
8 **RECORDS; AND**

9           **(IV) AN ESTIMATED COST TO ASSEMBLE THE RECORDS.**

10           **(C) (1) AFTER THE INITIAL ANALYSIS IS CONCLUDED AND THE STATE**  
11 **ARCHIVIST HAS APPROVED THE INITIAL REPORT IN ACCORDANCE WITH §**  
12 **12-508(A)(2)(I) OF THIS SUBTITLE, THE ENTITY SHALL CONTRACT WITH AN**  
13 **ARCHIVIST AND A HISTORIAN TO ENSURE THAT THE PROCESS OF ASSEMBLING**  
14 **THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:**

15           **(I) THE INITIAL REPORT; AND**

16           **(II) THE STANDARDS OF THE SOCIETY OF AMERICAN**  
17 **ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.**

18           **(2) THE ARCHIVIST AND HISTORIAN CONTRACTED WITH TO**  
19 **CARRY OUT PARAGRAPH (1) OF THIS SUBSECTION:**

20           **(I) SHALL BE APPROVED BY THE STATE ARCHIVIST; AND**

21           **(II) MAY BE THE ARCHIVIST AND HISTORIAN THAT**  
22 **CONDUCTED THE INITIAL ANALYSIS OR ANOTHER ARCHIVIST AND HISTORIAN**  
23 **APPROVED BY THE STATE ARCHIVIST.**

24           **(D) AFTER THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE,**  
25 **THE ENTITY SHALL PROVIDE THE INFORMATION REQUIRED UNDER § 12-507 OF**  
26 **THIS SUBTITLE TO THE STATE ARCHIVIST.**

27 **12-507.**

28           **(B) ~~AN~~ BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD**  
29 **A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY**  
30 **SUBJECT TO THIS SUBTITLE, THE ENTITY SHALL ~~STATE, AS TO THE~~**  
31 **~~DEPORTATION OF INDIVIDUALS TO EXTERMINATION CAMPS, DEATH CAMPS, OR~~**

1 ~~A FACILITY TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH~~  
2 ~~CAMPS DURING THE PERIOD BETWEEN JANUARY 1, 1942, AND DECEMBER 31,~~  
3 ~~1944 PROVIDE THE STATE ARCHIVIST WITH THE FOLLOWING INFORMATION AS~~  
4 ~~IT RELATES TO THE DEPORTATION OF VICTIMS:~~

5 (1) A WRITTEN STATEMENT PROVIDING:

6 (I) WHETHER THE ENTITY ~~HAS ANY~~ POSSESSES, HAS  
7 CUSTODY OF, OR CONTROLS RECORDS RELATING TO THE DEPORTATIONS IN ITS  
8 ~~POSSESSION, CUSTODY, OR CONTROL~~ THE DEPORTATION OF VICTIMS;

9 (II) ~~THE~~ EACH LOCATION WHERE THE RECORDS ARE  
10 MAINTAINED; AND

11 (III) THE CONTENTS AND ADDRESSES OF ~~ANY~~ EACH ARCHIVE  
12 OR OTHER FACILITY WHERE THE ENTITY MAINTAINS RECORDS;

13 (2) A DETAILED INDEX OF THE RECORDS, INCLUDING:

14 (I) THE LOCATION OF THE RECORDS AND A LIST OF ANY  
15 MONEY RECEIVED FOR EACH DEPORTATION, DELINEATED BY INDIVIDUAL  
16 CONVOYS AND PERSONS; AND

17 (II) AN ACCOUNTING OF EACH PIECE OF PROPERTY TAKEN  
18 OR CONFISCATED ~~IN CONNECTION WITH THE DEPORTATIONS~~ FROM EACH  
19 VICTIM;

20 (3) IF THE ENTITY NO LONGER HAS IN ITS CUSTODY OR CONTROL  
21 ANY OR ALL OF THE PROPERTY TAKEN OR CONFISCATED ~~IN CONNECTION WITH~~  
22 ~~THE DEPORTATIONS~~ FROM EACH VICTIM, A WRITTEN DESCRIPTION OF:

23 (I) THE TIME AND MANNER IN WHICH THE ENTITY  
24 DISPOSED OF OR CONVERTED THE PROPERTY;

25 (II) ANY PROPERTY CURRENTLY OWNED OR OPERATED BY  
26 THE ENTITY THAT WAS EXCHANGED FOR THE EXPROPRIATED PROPERTY;

27 (III) ANY EXPROPRIATED PROPERTY CURRENTLY OWNED BY  
28 THE ENTITY OR ANY OTHER PROPERTY DERIVED FROM THE EXPROPRIATED  
29 PROPERTY; AND

30 (IV) ANY OTHER DERIVATIVE OR TRACEABLE PROPERTY  
31 THAT REMAINS IN THE ENTITY'S POSSESSION, CUSTODY, OR CONTROL AS A  
32 RESULT OF ITS DEPORTATIONS ACTIVITY; AND

1 ~~(4) IF ANY RECORDS RELATING TO THE DEPORTATIONS HAVE~~  
2 ~~BEEN MADE PUBLIC, A CONFIRMATION THAT THE MATERIALS MADE AVAILABLE~~  
3 ~~FOR PUBLIC REVIEW CONSTITUTE ALL OF THE RECORDS, REGARDLESS OF THE~~  
4 ~~DATE THE RECORDS WERE CREATED OR OBTAINED; AND~~

5 ~~(5) A WRITTEN STATEMENT CONCERNING WHETHER THE ENTITY~~  
6 ~~HAS PROVIDED RESTITUTION OR REPARATIONS TO ALL IDENTIFIABLE VICTIMS~~  
7 ~~OF THE DEPORTATIONS AND, IF SO STATED, A DETAILED ~~REPORT~~ DESCRIPTION~~  
8 ~~ON HOW THE RESTITUTION OR REPARATIONS APPLIES SPECIFICALLY TO~~  
9 ~~INDIVIDUALS DEPORTED BY THE ENTITY THE DEPORTATION OF EACH VICTIM.~~

10 12-508.

11 (A) THE STATE ARCHIVIST SHALL:

12 (1) APPROVE AN ARCHIVIST AND HISTORIAN TO CONDUCT THE  
13 INITIAL ANALYSIS REQUIRED UNDER § 12-506(B) OF THIS SUBTITLE;

14 (2) WITHIN 14 DAYS AFTER RECEIVING THE INITIAL REPORT  
15 SUBMITTED IN ACCORDANCE WITH § 12-506(B) OF THIS SUBTITLE:

16 (i) REVIEW THE REPORT AND DETERMINE WHETHER, IN  
17 THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST, THE REPORT IS  
18 CONSISTENT WITH THE STANDARDS OF THE SOCIETY OF AMERICAN  
19 ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

20 (ii) APPROVE AN ARCHIVIST AND HISTORIAN THAT WILL  
21 ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A  
22 MANNER CONSISTENT WITH:

23 1. THE INITIAL REPORT; AND

24 2. THE STANDARDS OF THE SOCIETY OF AMERICAN  
25 ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS;

26 (3) AS NEEDED, PROVIDE GUIDANCE FOR AND OVERSIGHT OF THE  
27 PROCESS OF ASSEMBLING THE RECORDS;

28 (4) AFTER RECEIVING FROM AN ENTITY THE INFORMATION  
29 REQUIRED UNDER § 12-507 OF THIS SUBTITLE, DETERMINE WHETHER, IN THE  
30 PROFESSIONAL OPINION OF THE STATE ARCHIVIST:

1                   (I) THE PROCESS OF ASSEMBLING THE RECORDS IS  
2 COMPLETE;

3                   (II) THE PROCESS OF ASSEMBLING THE RECORDS WAS  
4 COMPLETED IN A MANNER CONSISTENT WITH:

5                   1. THE INITIAL REPORT SUBMITTED IN ACCORDANCE  
6 WITH § 12-506(B) OF THIS SUBTITLE; AND

7                   2. THE STANDARDS OF THE SOCIETY OF AMERICAN  
8 ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

9                   (III) THE INFORMATION SUBMITTED UNDER § 12-507 OF  
10 THIS SUBTITLE IS AS COMPLETE AND ACCURATE AS POSSIBLE; AND

11                   (5) PROVIDE WRITTEN NOTICE OF THE DETERMINATION MADE  
12 UNDER ITEM (4) OF THIS SUBSECTION TO:

13                   (I) THE ENTITY; AND

14                   (II) IF THE STATE ARCHIVIST DETERMINES THAT THE  
15 ENTITY MET THE REQUIREMENTS SET FORTH IN ITEM (4)(I), (II), AND (III) OF  
16 THIS SUBSECTION, TO THE UNIT OF STATE OR LOCAL GOVERNMENT AWARDED  
17 THE PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE.

18                   (B) THE STATE ARCHIVIST MAY USE A DESIGNEE TO CARRY OUT ANY  
19 PROVISION OF THIS SECTION.

20 12-509.

21                   (A) AT LEAST 30 DAYS BEFORE AWARDED A PROCUREMENT CONTRACT  
22 ON WHICH AN ENTITY SUBJECT TO THIS SUBTITLE SUBMITTED A BID OR OFFER,  
23 A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PUBLISH NOTICE OF ITS  
24 INTENT TO AWARD THE PROCUREMENT CONTRACT.

25                   (B) A UNIT OF STATE OR LOCAL GOVERNMENT MAY NOT AWARD A  
26 PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY THAT  
27 DOES NOT COMPLY WITH §§ 12-505 THROUGH 12-507 OF THIS SUBTITLE.

28                   (C) A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A  
29 PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY ONLY  
30 AFTER THE UNIT RECEIVES THE NOTICE FROM THE STATE ARCHIVIST IN  
31 ACCORDANCE WITH § 12-508(A)(5) OF THIS SUBTITLE.

1 (D) NOTWITHSTANDING THE REQUIREMENTS OF THIS SUBTITLE, A UNIT  
2 OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO  
3 PROVIDE MARC SERVICE TO A BIDDER OR OFFEROR THAT IS NOT AN ENTITY  
4 SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE.

5 12-510.

6 AN ENTITY AWARDED A PROCUREMENT CONTRACT TO PROVIDE MARC  
7 SERVICE IN ACCORDANCE WITH § 12-509(C) OF THIS SUBTITLE IS CONSIDERED  
8 TO HAVE SATISFIED THE REQUIREMENTS OF §§ 12-505 THROUGH 12-507 OF  
9 THIS SUBTITLE FOR ALL FUTURE PROCUREMENT CONTRACTS TO PROVIDE  
10 MARC SERVICE.

11 12-511.

12 THE ENTITY OR ANY OTHER BIDDER OR OFFEROR FOR A PROCUREMENT  
13 CONTRACT TO PROVIDE MARC SERVICE MAY NOT SUBMIT A PROTEST UNDER §  
14 15-217 OF THIS ARTICLE RELATING TO THE REQUIREMENTS OF THIS SUBTITLE.

15 **Article – Transportation**

16 7-508.

17 AN ENTITY THAT SUBMITS A BID OR PROPOSAL TO THE ADMINISTRATION  
18 ON A PROCUREMENT CONTRACT TO PROVIDE MARC ~~TRAIN SERVICE ON THE~~  
19 ~~CAMDEN AND BRUNSWICK LINES IN THE GREATER BALTIMORE WASHINGTON~~  
20 ~~METROPOLITAN REGION~~ SERVICE THAT IS FUNDED IN WHOLE OR IN PART BY  
21 PUBLIC FUNDS SHALL COMPLY WITH THE REQUIREMENTS OF TITLE 12,  
22 SUBTITLE 5 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 ~~October 1, 2011~~ June 1, 2011.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.